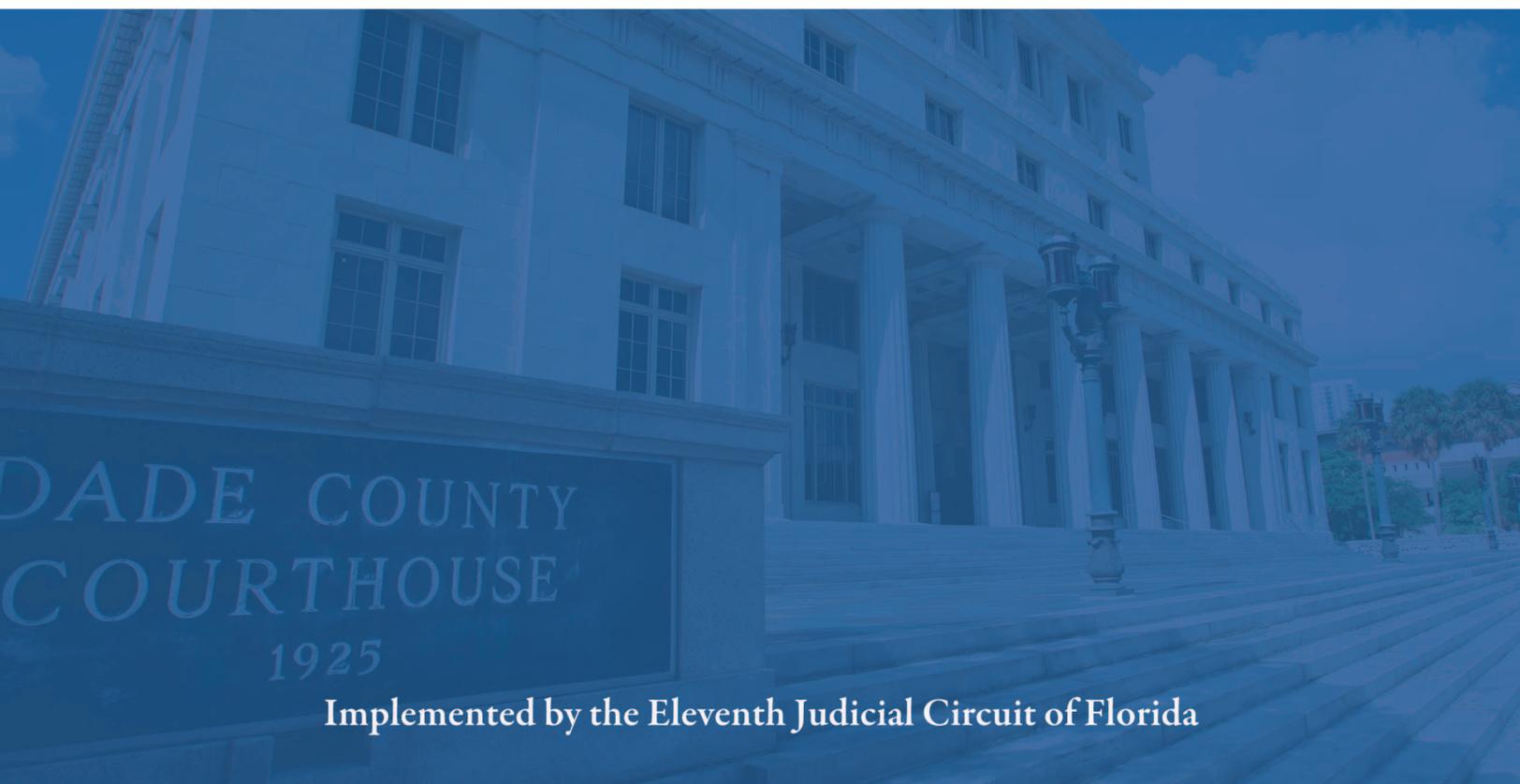




Civil Justice Initiative

EVALUATION OF THE
CIVIL JUSTICE INITIATIVE PILOT PROJECT (CJIPP)



Implemented by the Eleventh Judicial Circuit of Florida

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All photographs of the Miami-Dade County Courthouse courtesy of Carl Kafka.

In July 2016 the Conference of Chief Justices and the Conference of State Court Administrators adopted recommendations designed to secure the fair, speedy and inexpensive resolution of civil cases in state courts. The Civil Justice Initiative (CJI) recommendations present a comprehensive framework that features (1) a Pathway Approach based on the concept of proportionality in which civil rules and court resources are matched to the unique needs of each case; (2) a radically different staffing model for civil case processing that delegates substantial responsibility for routine caseload management to specially trained professional staff, supported by effective case automation, permitting judges to focus on tasks that require their unique training and expertise; and (3) a renewed focus on high-volume calendars that comprise the vast majority of contemporary civil caseloads, especially improved access for self-represented litigants, and greater attention to uncontested cases and greater security on claims to ensure procedural fairness for litigants.

With support of a generous grant from the State Justice Institute, the National Center for State Courts and IAALS, the Institute for the Advancement of the American Legal System, have partnered on a three-year project to implement the CJI recommendations. The CJI report, recommendations, and information about the CJI Implementation plan are available at www.ncsc.org/civil.





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Executive Summary

Civil litigation in the state courts has a long-standing reputation for significant cost and delay, further compounded by increasing case complexity and the growing number of self-represented litigants.

To test the effects of the CCMT, outcomes of cases assigned to CJIPP judges were compared to those of non-CJIPP (baseline) judges.

Previous reform efforts have not fully addressed the underlying issues facing civil litigation. In response, the Civil Justice Improvements (CJI) Committee produced thirteen recommendations to do just that. To test the effectiveness of these recommendations, demonstration pilot projects were funded by the State Justice Institute to empirically test their effects on civil case processing and litigation.

In 2016 the Circuit Civil Division of the 11th Judicial Circuit Court of Florida, Miami-Dade County, implemented one of the first demonstration projects: the CJI Pilot Project (CJIPP). The focus of the evaluation would be on Recommendation 7, which describes the civil case management team (CCMT) model. The purpose of the CCMT is to streamline civil case processing by assigning specialized roles with a team to monitor and enhance case processing. Four teams were formed consisting of a judge, case manager, judicial assistant, and bailiff.

To test the effects of the CCMT, outcomes of cases assigned to CJIPP judges were compared to those of non-CJIPP (baseline) judges. The baseline comparison group consisted of all other Circuit Civil Division cases. A five-month follow-up period was observed to allow for cases filed at the end of the project period to progress. Since that time, approximately 90 percent of the CJIPP cases have fully resolved.



FINDINGS

Pilot data consisted of 27,831 cases filed in the Circuit Civil Division, randomly assigned to judges through an automated system in the office of the Clerk of Court. Cases were comparable across groups in terms of the number of cases per judge, case type, contested status, and complexity at filing (based on initial pathway assignment). This provided an equal basis for comparing case outcomes between groups.

CJIPP cases had a higher closure rate (56.2%) compared to baseline cases (40.7%) through the pilot follow-up period. This was consistent across all case types and per judge between groups. There was no difference in closure rates based on case complexity, however; in other words, CJIPP did not gain an advantage simply from closing the less-complex cases. On the contrary, CJIPP judges closed more contested cases than baseline judges, which typically take longer to resolve. Manner of disposition differed only slightly between groups. CJIPP cases showed a significant shift to more settlements and fewer dismissals compared to baseline cases.

TIME TO DISPOSITION

A primary expectation of CJIPP was the reduction of delay in case processing. The higher closure rates for the CJIPP group was a promising outcome, but reduced time to disposition was also of interest. Time to disposition was examined using survival analysis, which examines the trajectory of time for cases to dispose in each group, accounting for those cases that are still pending. Based on the analysis, CJIPP cases were more likely to close within a shorter time frame. Upon further comparison, the analysis predicted that half of CJIPP cases would be closed

around the nine-month mark, while half of baseline cases would not be closed until about fourteen months from filing.

Uncontested cases were examined separately, again using survival analysis to compare time to disposition. CJIPP established protocols to monitor uncontested cases, which typically do not have as much activity from the parties as contested cases, to ensure they did not languish on the docket. Again, CJIPP cases outperformed baseline cases in their closure rate within a smaller time frame. Further comparison revealed that half of uncontested CJIPP cases were predicted to close within six months, compared to eleven months for half of baseline cases.

CASE EVENTS

Another expectation of CJIPP was the reduction in case events (hearings and conferences). Surprisingly, CJIPP cases had a higher rate of scheduled hearings per case compared to the baseline group, overall and by contested status. The increased rate of hearings was concentrated in the first three months of CJIPP, suggesting that much of this activity was prompted by attorneys reacting to the new rules and case management deadlines. Conferences were also significantly more frequent in CJIPP cases; judges assigned to the Circuit Civil Division rarely held case conferences under preexisting case management practices, and baseline cases reflected this tradition, reporting close to zero conferences per case.

The evaluation also explored the pilot effects on number of motions and orders, along with the ratio between motions and orders. CJIPP cases had significantly more motions and orders overall and by contested status. The



Judges and attorneys reported that they saw benefits to the use of the CCMT model and case management overall.

ratio between motions and orders in the CJIPP group was smaller than in the baseline group, signifying a greater response rate to motions by entering orders. Motions for continuance and extension of time were more closely examined, finding that CJIPP cases had higher rates of requests for both continuances and extensions of time.

ATTORNEY AND JUDGE SATISFACTION

Attorneys that represented CJIPP cases were surveyed and participated in focus groups, asking for their perspectives about the pilot changes. In general, attorneys were satisfied with the improvements made to procedures by CJIPP, though they noted some growing pains on the front end before they became accustomed to the new procedures. Responses were mostly neutral about how the changes impacted their practice, and most agreed that case management was a useful tool overall and should be the responsibility of the court. Those opposed to the pilot were typically opposed to case management in general, rather than CJIPP.

CJIPP judges were interviewed during a site visit following the end of the pilot period. Their perceptions were positive, and most had continued using elements of the CJIPP procedures when they returned to the regular

docket, though without the expertise and resources of the CCMT. They noted that the CCMT improved their ability to focus on substantive work and prompted them to be even more attentive. Consistency in oversight allowed for keeping up with cases and ensured fair process to litigants.

CONCLUSIONS

CJIPP represents the first empirical test of the CCMT model against traditional case management processes. Overall, findings supported the effectiveness of CJIPP in addressing timely disposition and more proactive court oversight. While case events, motions, and orders increased under the new procedures, this may indicate a more engaged and responsive process for litigating these cases. Judges and attorneys reported that they saw benefits to the use of the CCMT model and case management overall.

This evaluation highlights the benefits gained by use of the CCMT model, but also describes the challenges to effective utilization. CJIPP, as with most pilot projects, encountered obstacles that were met with creative and cooperative solutions to ensure proper implementation and full benefits. Lessons learned are described to support the adoption of this model in other state courts.

Introduction

In July 2016, the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) endorsed the report and recommendations of the CCJ Civil Justice Improvements (CJI) Committee.¹

The 13 recommendations presented a comprehensive framework designed to secure the fair, speedy, and inexpensive resolution of civil cases in state courts. The first six recommendations described an improved system of differentiated case management, called the pathway approach, based on the concept of proportionality in which both civil rules and court resources are matched to the unique needs of each case. Recommendations 7 through 10 described essential components of court infrastructure composed of staffing, training, business practices, and court automation needed to efficiently and effectively support judges in civil case management. Recommendations 11 through 13 offered renewed focus on high-volume calendars that comprise the

The 13 recommendations presented a comprehensive framework designed to secure the fair, speedy, and inexpensive resolution of civil cases in state courts.

vast majority of contemporary civil caseloads, especially improved access for unrepresented litigants, greater attention to uncontested cases, and greater scrutiny of claims to protect procedural due process.

In their resolution endorsing the recommendations, CCJ and COSCA encouraged their respective members to implement the recommendations to improve the delivery of civil justice in their own states.² With support of a generous grant by the State Justice Institute, the National Center for State Courts (NCSC) and the Institute for the Advancement of the American Legal System (IAALS) undertook a three-year project to assist in states' implementation efforts, which included oversight and evaluation of a series of state and local demonstration projects.⁴

One of the demonstration projects, undertaken by the Circuit Civil Division of the Eleventh Judicial Circuit Court of Florida (Miami-Dade County), focused on implementation of civil case management teams (CCMTs) as described in Recommendation 7.⁵

The project, aptly named the CJI Pilot Project (CJIPP), employed an experimental design to assess the impact of CCMTs on civil case processing. NCSC partnered with the Eleventh Judicial Circuit Court to evaluate CJIPP. The objective of the evaluation was to examine outcomes of cases assigned to judges enrolled in CJIPP (CJIPP cases) compared to those assigned to non-CJIPP

¹ CCJ CIVIL JUSTICE IMPROVEMENTS COMMITTEE, CALL TO ACTION: ACHIEVING CIVIL JUSTICE FOR ALL (National Center for State Courts 2016) (*hereinafter* CALL TO ACTION).

² CCJ and COSCA Resolution 8 (July 27, 2016).

³ SJI-16-P-231.

⁴ The Civil Justice Initiative (CJI) Implementation Plan also provided education and strategic planning assistance, as well as tools and resources to support implementation efforts.

⁵ Recommendation 7 states: "Courts should develop civil case management teams consisting of a responsible judge supported by appropriately trained staff. (7.1) Courts should conduct a thorough examination of their civil case business practices to determine the degree of discretion required for each management task. These tasks should be performed by persons whose experience and skills correspond with the task requirements. (7.2) Courts should delegate administrative authority to specially trained staff to make routine case management decisions." CALL TO ACTION, *supra* note 1, at 27.

judges in the Circuit Civil Division (baseline cases). The project provided a robust test of the use of CCMTs on standard performance measures for civil case processing, as well as attorney satisfaction with the program and judicial and staff workloads and job satisfaction.⁶

CJIPP BACKGROUND

The Circuit Civil Division has jurisdiction for civil cases valued at more than \$15,000, consisting of twenty-five judges who each manage approximately 2,500 civil cases annually. The division allocated funding to support three specially trained case managers, and CJI funding permitted the court to hire an independent contractor as a fourth case manager for twelve months.⁷ The case

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managers joined specially trained bailiffs and judicial assistants to create civil case management teams for four judges in the Circuit Civil Division, while the remaining judges continued to operate

with standard administrative support and practices.⁸

Each member of the CCMT was responsible for specific case management tasks based on their respective professional skills and experience:

- **Judges** perform tasks that require unique legal expertise and case management skills, including conducting in-court hearings and trials, ruling on

substantive motions, and conducting case management conferences;

- **Case managers** assess cases and recommend appropriate steps to address management issues as identified by judicial assistants; review substantive and dispositive motions, highlight legal issues, and recommend appropriate ruling for judges; draft case management plans for newly filed cases; and ensure effective communication among CCMT members;
- **Judicial assistants** schedule cases for hearings and trials, monitor compliance with court orders, prepare documents for hearings, prepare court orders, and communicate with lawyers and parties; and
- **Bailiffs** conduct case intake, including determination of initial pathway assignment, prepare courtrooms for hearings, and provide security to the judge.

In preparation for the new CCMT staffing model, standard forms and template orders were drafted to support a standardized process across all CJIPP teams and to streamline administrative tasks. In addition, CJIPP developed a system to help case managers monitor case progress, including a reporting mechanism to flag cases that were close to an event deadline. Before CJIPP was implemented, the CJIPP judges and case managers met with the Circuit Civil Administrative Judge to discuss the upcoming changes to their work under the new staffing model, and training was provided to all team members before the start of the pilot. The Eleventh Judicial Circuit Court also attempted to inform the local bar community about CJIPP and encourage buy-in by hosting several public hearings.

⁶ The CJIPP evaluation focused exclusively on the impact of CCMTs on civil case processing, but it is important to note that the Circuit Civil Division had already implemented CCJ recommendations 1 through 6 on a pilot basis, creating case management pathways based on case complexity and the need for judicial involvement and administrative oversight. The pathways and the associated case-processing deadlines were incorporated into CJIPP and formed the business practice rules on which administrative tasks were delegated to court staff. Three pathways were created: Streamlined, Standard, and Complex. At filing, cases were initially assigned to a pathway based on case type, but the assignment could change as the case developed.

⁷ The CJIPP time frame was November 1, 2016 to October 31, 2017.

⁸ A bailiff and judicial assistant (JA) are assigned to each judge in the Circuit Civil Division. Bailiffs are responsible for court security, as well as routine clerical tasks. JAs are responsible for scheduling in-court hearings and trials, preparing documents for hearings, preparing court orders for judicial signature, and communicating routine case management notices to lawyers and litigants.

The project, aptly named CJI Pilot Project (CJIPP), employed an experimental design to assess the impact of CCMTs on civil case processing.

Attendance at these hearings was disappointing to court leadership, however, and they concluded that many attorneys may be unwilling to invest time and attention on these types of outreach efforts unless they are directly affected by the new procedures. The Administrative Judge, the CJIPP judges, and the case managers continued to meet regularly to identify and address common problems and to ensure that CJIPP protocols were consistent across CCMTs to the greatest extent possible. New cases filed in the Eleventh Judicial Circuit Court were randomly assigned by the Clerk of Court to judges assigned to the Circuit Civil Division; cases assigned to the CJIPP judges were reviewed by the bailiff, who made the initial pathway assignment based on case type, then communicated the recommendation to the case manager.⁹ If the path assignment was approved, the JA mailed a “welcome letter” to the parties explaining that the case had been assigned to CJIPP, along with a case management order (CMO) detailing case management rules and deadlines based on the pathway assignment.¹⁰ Case managers and JAs communicated multiple times each day, reviewing the progress of cases, highlighting concerns, and discussing appropriate steps to address those concerns, including whether to bring the concern to the attention of the judge.

CJIPP CHALLENGES

As is common with most pilot projects, CJIPP experienced a number of challenges throughout the year that required modification of the original plans. For example, case managers originally were to work across the entire CJIPP caseload, with responsibilities distributed based on the stage of litigation (e.g., filing to answer, discovery, and pretrial). However, it was difficult to establish effective working relationships with individual judges and JAs, so they modified the CCMT framework to assign one case manager per judge.

Another challenge involved the technology infrastructure supporting civil case management. Shortly before CJIPP was launched, the court’s CMS was scheduled for an upgrade that the court’s leadership was told would include new case activity tracking tools to help monitor and enforce deadlines. However, the promised tools were not included with the CMS upgrade, which necessitated a number of labor-intensive workarounds to document the assigned pathway for CJIPP cases and track case progress.¹¹ Technology integration issues among the various state and local technology systems exacerbated the lack of functional tools.¹² Finally, the operational independence of the Clerk of Court, an independently elected position that is not directly accountable to the Circuit Court, sometimes introduced inconsistencies in docketing case calendars and ensuring the accuracy of case files.

Introducing the CJIPP procedures into the judges’ existing caseloads was also challenging. At the inception of the pilot project, court leadership and the participating CJIPP judges and court staff decided

⁹ See Appendix B.

¹⁰ The welcome letter and the CMO did not explicitly name the pathway to which the case was assigned; instead, it indicated the anticipated time to disposition (e.g., twelve months, eighteen months, twenty-four months), minimizing the likelihood that attorneys would object to their case being deemed appropriate for “streamlined” case processing and seek modification of the CMO.

¹¹ The CCMT model is premised on the existence of CMS technology that accurately captures and reports on case information and status. See *CJI: A GUIDE TO BUILDING CASE MANAGEMENT TEAMS* (National Center for State Courts 2017).

¹² The Circuit Civil Division of the Eleventh Judicial Circuit Court employs five separate technology platforms for local case management (Odyssey), e-filing (ePortal), an online delivery system for courtesy copies of case filings (eCourtesy), a judicial dashboard (aiSmartBench), and a statewide data reporting system.

against applying CJIPP procedures retroactively to the existing caseload. Some of those cases were well past the point where proactive case management would have an appreciable impact on the time or manner of disposition. They also anticipated that the lawyers and litigants might object strongly to the imposition of new case management orders. However, this did require the CJIPP judges and CCMT members to operate two separate case management systems simultaneously—one for the existing caseload and one for the newly filed CJIPP cases—which led to some confusion for court staff (e.g., which cases could be scheduled on CJIPP or non-CJIPP hearing calendars, whether standard CJIPP notices and orders could be used for non-CJIPP cases, etc.). It also created confusion for attorneys who had both CJIPP and non-CJIPP cases assigned to the

same judge. The findings from this evaluation, described *infra*, indicate that the decision did not unduly impair management of the CJIPP caseloads. In retrospect, however, the CJIPP team members reported that this was not an optimal arrangement.

Finally, the CJIPP teams experienced a number of staffing gaps throughout the year, including a vacancy when one CJIPP judge was elevated to the Court of Appeals, a case manager who resigned during a statewide hiring freeze to take a position in another judicial circuit,¹³ and a JA position staffed by temporary employees while the permanent JA was on maternity leave. Toward the end of the demonstration pilot time frame, the Eleventh Judicial Circuit Court was closed due to Hurricane Irma, requiring case hearings and conferences to be rescheduled.



¹³ The Administrative Judge for the Circuit Civil Division ultimately obtained a waiver to fill the case management position, but only after a ten-week vacancy.

Data and Methods

The following sections present the project methodology based on five a priori hypotheses and two research questions posed for the evaluation.

To assess the outcomes of CJIPP, hypotheses were developed and tested to compare expected differences between the CJIPP and baseline groups attributable to the CCMT model. The overall expectations were shorter times to disposition for CJIPP cases, fewer in-court hearings, and greater satisfaction with the new case management model. These changes were expected due to the overall increase in oversight for case progress by a specialized team, standardized and enforced plans for case progression, and greater/faster judicial attention due to the lessened administrative burden. Two research questions focused on whether there was a measurable change in the number of motions, orders, and requests for continuances between study groups. Hypotheses are presented below, with a brief rationale for each, followed by the research questions.

HYPOTHESES AND RESEARCH QUESTIONS

HYPOTHESIS 1:

Cases assigned to the CJIPP judges will resolve sooner on average than cases assigned to the baseline group.

RATIONALE:

There should be fewer continuances granted among the CJIPP judges, and more opportunities for cases to be identified as lagging between case events through use of a CCMT.

HYPOTHESIS 2:

Uncontested cases assigned to the CJIPP judges will resolve sooner on average compared to uncontested cases in the baseline group.

RATIONALE:

These outcomes would reflect increased judicial attention to individual cases, more diligent observation of time standards, and continuous case monitoring by the CCMT.

HYPOTHESIS 3:

Cases assigned to the CJIPP judges will have fewer hearings scheduled on average than cases assigned to the baseline group.

RATIONALE:

The CCMT will resolve most administrative case matters and monitor the progress of cases, scheduling hearings only when there is a substantive matter requiring judicial expertise. This should result in fewer hearings on any given calendar, but the expectation is that those hearings will be more likely to address substantive issues and may take more time.

HYPOTHESIS 4:

Attorneys will report higher satisfaction and procedural justice for their experiences with CJIPP cases compared with previous cases.

RATIONALE:

CJIPP judges and civil case teams are expected to provide more streamlined and consistent procedures

for scheduling, hearing, and disposing of cases. By assigning cases to a case management pathway and providing systemic administrative and judicial attention proportionate to case needs, it is expected that attorneys will receive greater judicial feedback and progression of their cases through the system. Increased judicial attention to the substantive case matters and more support for administrative issues are also expected to increase attorney perceptions of procedural justice and satisfaction.

HYPOTHESIS 5:

Judges will report higher satisfaction with their experience using CJIPP case management practices compared with baseline practices.

RATIONALE:

Judges assigned to CJIPP benefit from the support of a highly trained CCMT to resolve most administrative case matters, freeing the judges to focus on tasks that require their judicial expertise. This should contribute to greater confidence in their judgments due to increased attention to substantive case matters and more time to consider cases, write, and engage in other activities that may have been waylaid while accomplishing administrative tasks associated with standard resources and practices employed by the Circuit Civil Division.

A research question differs from a hypothesis in that it does not put forth any predictions or expected relationships among study variables. Research questions are posed to explore potential effects that may come out of the study that are not fully understood or previously explored. In the current study, CJIPP cases received new oversight and deadline management that baseline cases did not, which may have impacted the way those cases were litigated. Two research questions were posed to explore potential changes in requests for continuance and extension of time, and the number of motions and orders.

RESEARCH QUESTION 1:

How will requests for continuance or extension of time be affected by CJIPP case management?

RESEARCH QUESTION 2:

How will the number of motions and orders per case be affected by the CCMT model of case management?

DATA SOURCES

Multiple data sources were required to test the hypotheses, and NCSC employed a multifaceted evaluation approach. Case- and event-level data were extracted from the court's central case management system, attorneys provided feedback via online surveys and focus groups, the CJIPP teams shared their experiences via individual and group interviews, and the NCSC team observed CJIPP dockets during the site visit in December 2017. Data sources and their methodologies are provided below.

CASE MANAGEMENT SYSTEM (CMS)

The NCSC requested case- and event-level data from the court's central case management system for cases filed in the Circuit Civil Division between November 1, 2016 and October 31, 2017. The data were extracted from CMS on March 29, 2018, capturing at least five months and potentially as much as seventeen months of case activity. Consequently, the sample of both CJIPP and baseline cases were relatively young and do not necessarily reflect the volume of case activity normally associated with highly complex cases. Filed cases are randomly assigned to a judge by automated software in the clerk's office. An overview of data elements requested is presented in Appendix A. A supplementary key for initial case pathway assignments was provided (Appendix B). Case-level data were used to compare similarities between groups in terms of filings and case characteristics and to calculate time to disposition. Event-level data were coded to indicate the presence of contested issues,

manner of disposition, number of in-court hearings and conferences, and number/type of motions and orders, including continuances.

ATTORNEY SURVEYS

Surveys regarding attorney perceptions of CJIPP were distributed by NCSC via an online platform, launched soon after the close of the pilot program on November 2, 2017. Responses were collected for one month, closing on November 30, 2017. Attorneys that represented either party (plaintiff or defendant) for cases disposed in the CJIPP group were invited to respond using a link sent to their email on file with the court. A reference case was used to focus responses on cases that were part of the pilot project, and case information was generated at the beginning of the survey. The full survey is presented in Appendix C. Survey responses were analyzed quantitatively to measure overall perceptions of CJIPP, and qualitatively based on attorney feedback in open comment fields.

ATTORNEY FOCUS GROUPS

Five focus groups were held with 18 attorneys that represented either party in a disposed CJIPP case, over

a three-day period as part of the site visit in December 2017. Attorneys were again recruited using their email on file with the court and signed up in available time slots. The NCSC team presented aggregate data results from the attorney survey and used a question guide to lead standard discussions about their perceptions of CJIPP case management (Appendix D).

CJIPP SITE VISIT

A site visit was conducted December 4-8, 2017 at which the NCSC team conducted CJIPP team interviews, attorney focus groups, and observations of CJIPP dockets. Individual interviews were conducted with the Administrative Judge, all four CJIPP judges, their JAs, and one bailiff regarding their expanded roles and experience under the CCMT model. A group interview was conducted with the four CJIPP case managers about their experience and challenges of integrating their new role into established procedures. One case manager led the NCSC team through a document review, outlining the procedures and actual forms used in CJIPP cases.

Findings

The caseload sample consisted of 27,831 cases filed November 1, 2016 to October 31, 2017. Case closure was tracked up to the data extraction date of March 29, 2018.

Cases in the CJIPP sample were those assigned to the four CJIPP judges (5,855 cases); the comparison sample consisted of 21,976 cases assigned to 15 judges in the same division. Cases assigned to the Administrative Judge and to judges presiding over Complex Business Litigation dockets¹⁴ were excluded from analysis.

The number of cases per judge was consistent among the two groups. CJIPP judges had an average of 1,464 new filings compared to 1,465 among the other Circuit Civil Division judges. Case type proportions were also similar (Table 1).

Table 1. Case type proportions for all study cases.*

Case Type	Baseline	CJIPP
Debt Collection	41.3%	41.6%
Mortgage Foreclosure	18.7%	19.1%
Tort	21.3%	21.0%
Other Civil	7.2%	7.3%
Insurance Claim	6.8%	6.5%
Other Contract	2.4%	2.1%
Real Property	2.3%	2.4%

*No significant differences between groups.

Initial pathway assignment in the CJIPP group was based on case type at filing, indicating the expected level of complexity and length of the case to provide right-sized case monitoring from the start. To compare the expected level of complexity among the caseloads of the two study groups, NCSC categorized all cases into initial pathway

assignments based on their case type. Baseline cases were categorized into presumptive pathways based on their case type, as a proxy for case complexity (baseline cases were not assigned to a pathway in actual practice). The proportions of these pathway categories were similar among the two groups (Table 2).

Table 2. Initial pathway assignments for all study cases.*

	Pathway Assignment			
	Streamlined	Standard	Complex	Varies
Baseline	85.6%	6.4%	3.3%	4.8%
CJIPP	85.9%	6.0%	3.0%	5.0%
All Cases	85.6%	6.3%	3.2%	4.8%

*No significant differences between groups.

¹⁴ The Complex Business Litigation docket operates under a distinct set of procedures similar to the procedures of CJIPP. To avoid confounded results, these dockets were excluded from the baseline group.

A primary goal of the CCMT model is to streamline case processing to reduce delay related to ineffective case management practices. It was therefore expected that the CJIPP cases would close at a faster rate compared to the baseline group. At the end of the pilot period, more

than half (56.2%) of the CJIPP cases had closed compared to 40.7% of the baseline cases (Table 3), a difference that was statistically significant. The higher closure rate was also consistent across CJIPP judges.¹⁵

Table 3. Pending and closed caseloads for each group.

	Pending		Closed		Total
	n	%	n	%	
Baseline	13,030	59.3%	8,946	40.7%	21,976
CJIPP	2,564	43.8%	3,291	56.2%*	5,855
All Cases	15,594	56.0%	12,237	44.0%	27,831

*Significant differences between groups.

Closure rates were also consistently higher for the CJIPP group across case types (Table 4). This was a promising

finding that supported the effectiveness of the CCMT model for encouraging case progress.

Table 4. Closure rates across case types.

Case Type	Closure Rate	
	Baseline	CJIPP
Debt Collection	41.9%	58.9%*
Mortgage Foreclosure	47.5%	58.4%*
Tort	29.1%	44.5%*
Other Civil	47.3%	67.8%*
Insurance Claim	38.4%	53.3%*
Other Contract	45.4%	55.6%*
Real Property	51.9%	67.4%*
All Case Types	40.7%	56.2%*

*Significant differences between groups.

¹⁵ CJIPP judges had consistently higher closure rates compared to baseline judges, with a maximum individual closure rate of 60.6%, compared to a maximum of 44.6% in the baseline group. There was no overlap in closure rate between the groups, with a minimum closure rate of 51.7% for CJIPP judges.

Closed cases had somewhat different pathway proportions (Table 5) compared to the overall study caseload (Table 2). Closed cases had a higher proportion of streamlined and varied pathway assignments, and lower proportions of standard and complex pathway assignments. This was not surprising, given that streamlined

cases were identified as lower in complexity and expected to resolve faster than more complicated cases, such as those assigned to standard and complex pathways. Proportions of pathways were still similar between CJIPP and baseline groups among closed cases.

Table 5. Initial pathway assignments for all closed cases.*

	Pathway Assignment			
	Streamlined	Standard	Complex	Varies
Baseline	86.9%	4.5%	2.4%	6.2%
CJIPP	86.5%	4.7%	2.3%	6.4%
All Closed Cases	86.8%	4.6%	2.4%	6.2%

*No significant differences between groups.

Manner of disposition was somewhat different between the groups. Only closed cases were included in the analysis, which included 12,237 (44%) cases. Not all closed cases included the manner of disposition and were

marked as unknown (28.8%). Of the remaining cases, significant differences were found between groups for settlements and dismissals, with more settlements and fewer dismissals in CJIPP cases (Table 6).

Table 6. Manner of disposition for closed cases.

Manner of Disposition	Baseline	CJIPP
Judgment	32.0%	32.7%
Settlement	11.7%	15.3%*
Dismissal	52.1%	48.0%*
Other	4.2%	4.0%

*Significant differences between groups.

The “other” category included stay, transfer, and consolidation. None were significantly different between the two groups and had low rates. Dismissals were the largest category in both groups, unsurprising given that dismissals tend to close sooner than other case types, and the cases included represent those that closed during the project study period.

Types of judgments were disaggregated to further examine the differences in how cases resolved in each group. Significant differences were found for judgments on the merits and default judgments. Meritorious judgments

were slightly more likely in CJIPP cases¹⁶ and default judgments were slightly more likely in baseline cases.¹⁷

One objective of CJIPP was to provide greater involvement and oversight to cases, encouraging substantive resolutions to case issues and producing more meritorious judgments and settlements, rather than dismissals and default judgments. Though the shifts away from dismissals and toward settlements were somewhat small (about 5% difference, each), they may represent a snapshot of how case management may shift case resolution in the long term.

¹⁶ Meritorious judgments CJIPP 19.7%, baseline 17.7%, $\chi^2 = 4.569$, $p < .05$. Summary judgments CJIPP 1.8%, baseline 1.5%, no statistical difference.

¹⁷ Default judgments CJIPP 11.1%, baseline 12.8%, $\chi^2 = 4.765$, $p < .05$.

TIME TO DISPOSITION

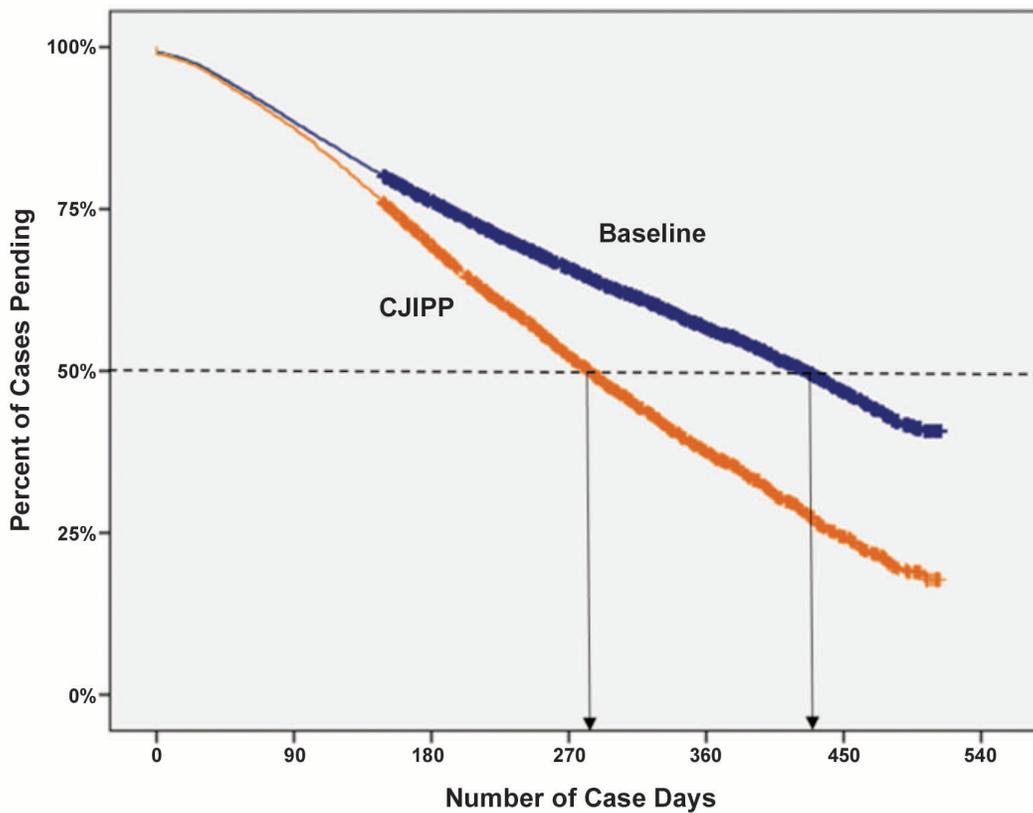
The CCMT model incorporates a new layer of administrative oversight, freeing judge time to focus on case-related matters and encouraging case momentum and more efficient resolution of case issues. CJIPP implemented and enforced a structured case management plan with clear and certain deadlines for key milestones for each case. It was therefore hypothesized that CJIPP cases should have a faster time to disposition compared to the baseline cases (Hypothesis 1). This hypothesis was supported.

A popular method for evaluating group performance is through mean (average) comparison: testing the difference between the average time to disposition for each group. However, this metric is limited in that it only represents cases that were disposed and does not account

for cases that are still pending. As discussed, the CJIPP group had a higher case closure rate compared to the baseline and, therefore, more of their caseload is represented in their average time to disposition. The baseline group has a larger portion of cases that have yet to dispose, which will increase the average time to disposition as those cases close.

In fact, the CJIPP group had a significantly higher mean time to disposition (182 days) compared to the baseline group (174 days). To account for pending cases and combat the limitation of mean comparison, survival analysis was used to compare the groups on equal footing. Survival analysis is a statistical technique used to estimate the probability that a CJIPP case would be fully disposed at any given point in time and compares that

Figure 1. Survival curves for time to disposition of CJIPP and baseline cases.



to the same probability for baseline cases. This technique estimates the time to disposition for cases that are still pending, and for which it is unknown what the actual time to disposition will be. Survival analysis includes all cases, closed and pending, to examine each group's trend in time to disposition and predict the difference in time to disposition for cases that are still pending.

Figure 1 shows the survival curves for the CJIPP (orange line) and baseline (blue line) cases. On the filing date (Day 0), 100 percent of the CJIPP and baseline cases were still pending, and the survival curves for those cases overlap for approximately the first three months after filing. At that point, however, the survival curves begin to diverge as the probability that a CJIPP case "survives" (is still pending) decreases at a significantly faster rate than the baseline curve. Based on this analysis, half of CJIPP cases will be closed by 280 days (approximately 9 months), but it will be 435 days (about 14 months) before half of the baseline cases are closed. This analysis supports Hypothesis 1, as CJIPP cases were more likely to close than baseline cases across time.

CONTESTED STATUS

Hypothesis 2 posited that uncontested cases¹⁸ would be faster to dispose in the CJIPP group compared to the baseline group and was also supported. Due to case monitoring in CJIPP, it was expected that uncontested cases would be less likely to linger with no activity. The average time to disposition for uncontested cases was not significantly different between the two groups¹⁹

Proportions of uncontested cases between the groups were examined. Among filings, there were no significant differences in proportions of uncontested cases.²⁰ However, when comparing the closed caseloads, CJIPP cases were more often contested than baseline cases.²¹

Survival analysis was again used to test for a difference in time to disposition between groups for uncontested cases. This method was chosen to account for the significant differences in proportion of uncontested cases disposed between groups, and the differences in closure rates. Survival analysis considers both closed and pending cases when predicting trends in closure rates, analyzing the full caseload from both groups, which had similar rates of uncontested cases.

All uncontested cases were analyzed, finding that CJIPP uncontested cases were more likely to close compared to baseline uncontested cases across time. Figure 2 displays the survival curves for uncontested cases in the CJIPP and baseline samples. Like the overall caseload, uncontested CJIPP cases close at a faster rate than the baseline cases. There is also an interesting difference in the shape of the survival curves. Uncontested cases in the CJIPP sample tend to close at a fairly uniform rate as evidenced by the fairly straight line of the survival curve. The baseline curve, in contrast, tends to flatten around the nine-month mark before abruptly decreasing again at the twelve-month mark, which may indicate the time at which the Circuit Civil Division normally reviews caseloads for inactive cases.²² Based on the survival curves, around half of the CJIPP uncontested cases will close in

¹⁸ Contested status was based on the presence of an event indicating a contested issue (e.g., answer and affirmative defense, motion to quash, trial, etc.). A list of events to use as appropriate indicators of contested status was provided by CJIPP case managers.

¹⁹ Avg. time to disposition for uncontested cases was CJIPP 120.7 days, Baseline 120 days.

²⁰ CJIPP and baseline groups were similar in rates of uncontested status in their filed caseloads. Uncontested filed cases CJIPP 33.7%, baseline 34.5%, no statistical difference. Proportions were confirmed by CJIPP case managers.

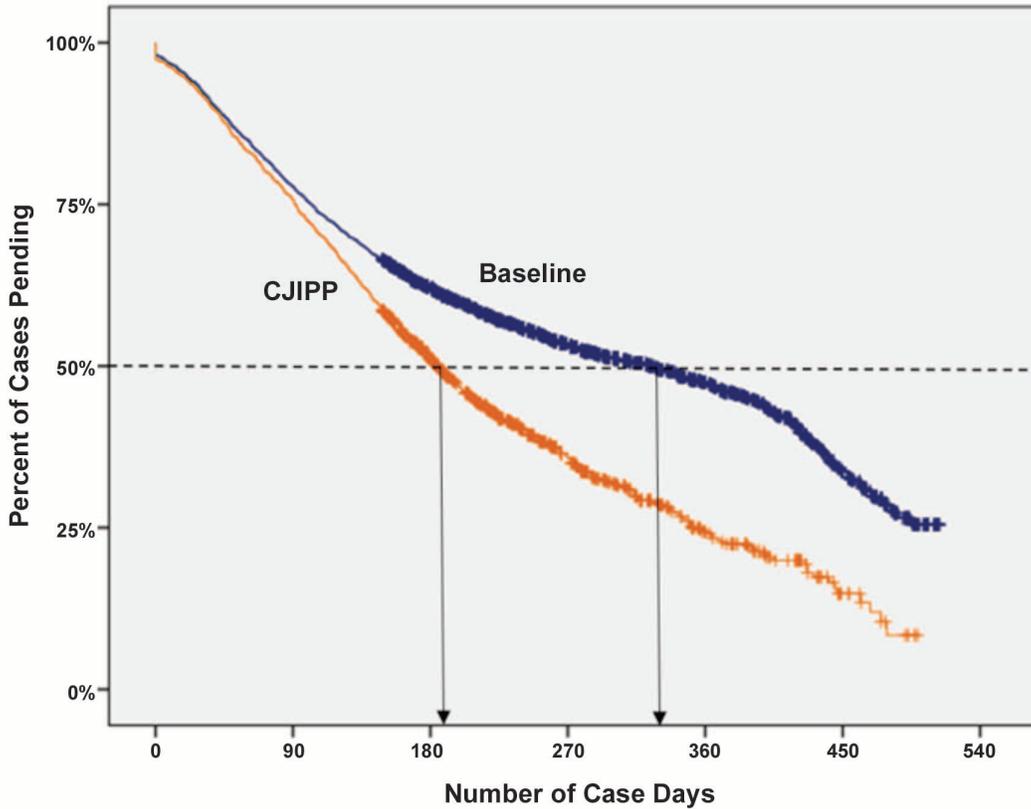
²¹ CJIPP and baseline groups differed on proportion of uncontested cases in their closed caseloads. Uncontested closed cases CJIPP 36.7%, baseline 40%, $\chi^2 = 11.061$, $p = .001$.

²² Florida time standards also specify twelve months as the expected time to disposition for non-jury cases (FLORIDA RULE OF JUDICIAL ADMINISTRATION 2.085).

just over six months (185 days), while half of baseline uncontested cases will take just under a year to close (335 days, 11 months). This finding, in support of Hypothesis 2, captures one of the intended effects of CJIPP: uncontested cases were not allowed to languish without court

oversight due to lack of activity. Protocols were in place to identify uncontested cases and monitor their progress even without court activity, prompting parties to move their case by sending notices when deadlines were missed, encouraging resolution or voluntary dismissal.

Figure 2. Survival curves of uncontested CJIPP and baseline cases.



CASE EVENTS

Beyond timeliness, the CCMT model was expected to have an impact on the number of case events. Hypothesis 3 posed that CJIPP cases would have fewer scheduled hearings than the baseline group due to the enhanced oversight provided by the CCMT and would reduce the number of in-court hearings to resolve matters that were not substantive. Closed cases were examined for the

number of scheduled hearings and conferences in each group. Pending cases were excluded due to their incomplete data on case events, which would still take place until final disposition.

CJIPP case managers and judicial assistants work to resolve most administrative matters, and in-court events (hearings, conferences) should only be required when

there is a substantive matter requiring judicial expertise. It was therefore expected that there should be fewer scheduled hearings in the CJIPP group. However, a significant difference was found in the opposite direction for CJIPP cases: closed CJIPP cases had a higher

rate of scheduled hearings and conferences per case compared to the baseline group, overall²³ and by contested status (Table 7). This finding supports the rejection of Hypothesis 3.²⁴

Table 7. Number of case events by contested status.

	Group	Hearings	Conferences
Uncontested	Baseline	0.38	0.00
	CJIPP	0.49*	0.02*
Contested	Baseline	1.42	0.00
	CJIPP	1.92*	0.35*

*Significant differences between groups.

There are competing rationales behind this finding. On one hand, this may reflect a mechanism of CJIPP: cases are set for hearings to move the case forward, which then precipitates momentum toward resolution. On the other hand, this may be a function of how attorneys are shifting their own case management practices. In response to case deadlines, attorneys schedule more hearings to come before the judge to resolve issues that would otherwise languish without court intervention and to show they are making progress in the case to satisfy the case management order. Regardless of the primary reason for this increase in hearings, overall, this result shows that cases are being actively managed and receiving more attention sooner.

Scheduled conferences were also examined, as they were tracked separately from hearings and provided another perspective into how CJIPP cases were processed

compared to baseline practices. Again, CJIPP cases had a significantly higher overall rate of conferences scheduled per case,²⁵ with the baseline group having close to zero conferences scheduled. This was consistent by contested status (Table 7) and pathway assignment.

Similar to hearings, the increase in conferences reflects an active case management process by CJIPP. In fact, CJIPP seems to have introduced the standard use of conferences in this court. One point to consider is the difference in contested status for closed cases between groups. The baseline group had significantly fewer contested cases that were closed, so some of the more heavily litigated cases may be missing from this analysis. However, the groups were comparable on most factors, including presumed pathway (a proxy for complexity), and this finding may still be attributed to the pilot.

²³ Avg. hearings CJIPP 1.39, baseline 1.01, $t = -8.625, p < .001$; Avg. conferences CJIPP 0.23, baseline 0.0, $t = -32.946, p < .001$.

²⁴ It should be noted that there was a relatively low rate of case events overall. The proportion of closed cases with at least one hearing was only 35.6 percent overall (CJIPP 43.9%, baseline 32.5%); even fewer closed cases (4%) had at least one conference (CJIPP 14.1%, baseline 0.2%).

²⁵ Avg. conferences CJIPP 0.23, baseline 0.0, $t = -32.946, p < .001$.

ATTORNEY SATISFACTION

Hypothesis 4 predicted that attorneys would report higher satisfaction and procedural justice under the CJIPP procedures compared to baseline procedures, which was supported. Attorney satisfaction was examined through survey responses and focus group discussions. Surveys were distributed to 1,402 attorneys that represented closed CJIPP cases. Complete responses were received from 109 (7.8%) attorneys.²⁶ Most survey respondents had been in practice for over ten years (78%), followed by six to ten years (12.8%), with none under two years of experience. The sample was mixed in terms of their primary practice, with the largest proportion representing the plaintiff (36.7%), followed by mixed practice (33%). All survey respondents were provided with the name and case number of a closed CJIPP case for their reference when answering questions about their experience with CJIPP and perceptions of the CCMT model. In those cases, 58.7 percent of survey respondents represented the plaintiff. Case types were of similar proportions to those in the overall study caseload, and the average time to disposition was 173.1 days, with a median of 181 days.

The survey questions covered four main topics around CJIPP's changes to case processing: case procedures, case events, changes to attorney case management, and the overall perception of the CCMT model. Most attorneys agreed that clear expectations were given for meeting case deadlines (Figure 3) and that deadlines were enforced. About half also agreed the deadlines were reasonable based on the case type. Most responses to case events questions were neutral, which may reflect the low frequencies of hearings and conferences revealed

in the data. Most responded neutral to whether motions for extension of time were routinely granted, another low-frequency occurrence, but one of interest due to the continuance policy included in the pilot project. Likewise, responses were mostly neutral about whether fewer continuances were granted than in previous cases.

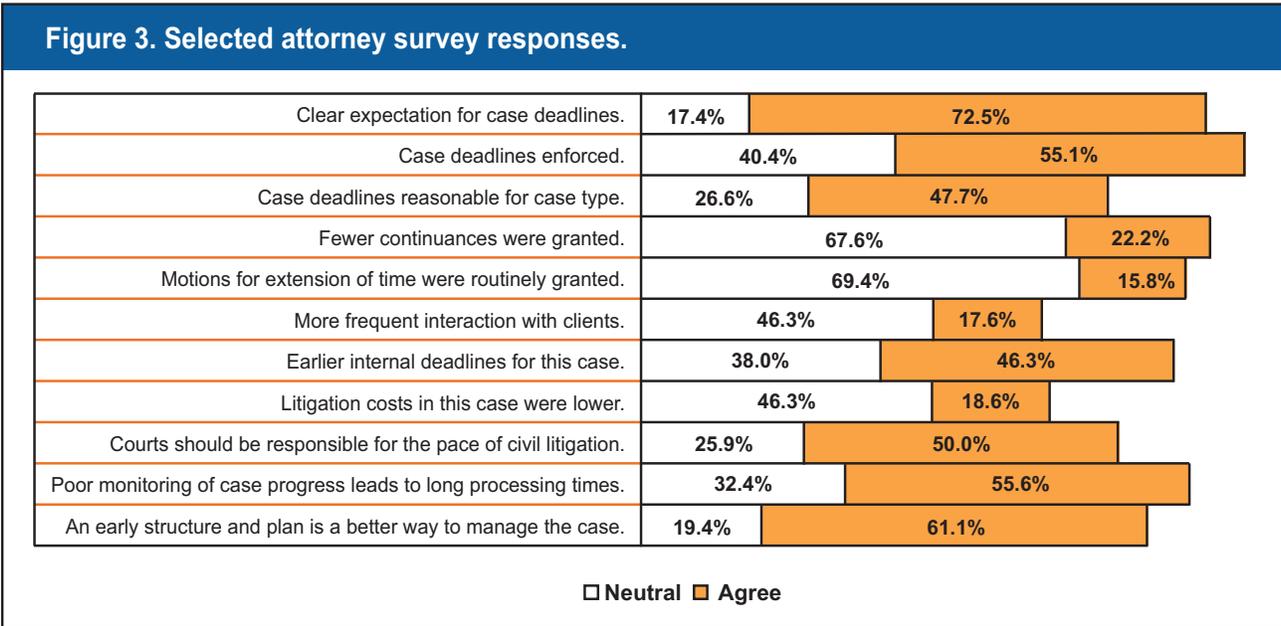
In terms of changes to their own case management practices, attorneys were again neutral on most items. Nearly half agreed that earlier internal deadlines were scheduled for their CJIPP cases compared to previous cases. Attorneys were neutral or disagreed that they had more frequent interactions with their clients on CJIPP cases, and that litigation costs were lower. Neutral responses may reflect a lack of permanent changes made to attorney work procedures, as the pilot duration was relatively short and only applied to cases that were assigned to the CJIPP judges. A majority of their caseload would still be processed under the standard practices of the Circuit Civil Division.

Perceptions of case management overall were mostly favorable. Half of attorneys agreed that courts should take responsibility for the pace of civil litigation. A majority agreed that improper case monitoring leads to longer processing times and that setting a structure and plan at the beginning of the case is a better way to manage the case.

Three open-ended questions were posed regarding whether CJIPP led to any improvements in case processing, if there were any drawbacks to CJIPP, and suggestions for improving CJIPP.

²⁶ A subset of 123 (53%) attorneys were removed for incomplete responses.

Figure 3. Selected attorney survey responses.



“This project allows the case to be pushed at a faster pace and does not allow opposing parties to delay the case without repercussion. The project has been successful, particularly against insurance companies who like to delay the case and many times do so without repercussion.” – *Representing plaintiff in contract and indebtedness case*

Most comments were positive and noted the benefits overall of case management by the court. Negative comments were more focused on case management generally, and disagreement with the court monitoring case progress, rather than CJIPP’s effects on effective case processing.

“The Court should not ‘manage’ cases. Enforce current rules of Civil Procedure and Rules of Evidence and lawyers can do their job.” – *Representing plaintiff in injunctive relief case*

In general, attorneys saw the merit of the court’s intervention on case progression, and though there were some complaints around inconsideration for the attorneys’ trial schedules and individual case calendars, many conceded that this more streamlined process would be mutually beneficial in the long term. Several

focus group participants and survey commenters compared CJIPP to the federal District Court and the Complex Business Litigation docket in terms of setting a firm schedule and enforcing progression toward case milestones.

One theme expressed during the focus group meetings, which was not explored in the survey, was how CJIPP procedures affect the interpersonal dynamics among counsel during litigation. Several attorneys commented that the level of oversight and willingness to enforce case management orders tends to discourage unnecessary gamesmanship in litigation. Attorneys who just want to practice law according existing rules of procedure can do so without having to bring disputes with uncooperative opposing counsel to the attention of the trial judge, which costs both time and money and may not necessarily result in prompt or effective enforcement by the judge. Under the CJIPP practices, the court is positioned to detect noncompliance with court orders and can be relied upon to address problems without prompting by the affected parties, thus rewarding competence and professionalism in the practicing bar.

JUDGE SATISFACTION

Hypothesis 5 posited that CJIP judges would report higher satisfaction using the CJIPP case management procedures compared to the baseline procedures, which was also supported. All four CJIPP judges were interviewed during the site visit and asked to describe the project, its effects on their work and cases, and what they would improve or continue.

Their consensus was that case management was effective for case progression and afforded them more time to focus on case matters. The work of the case management team, monitoring the pending caseload and pending motions, drafting orders, scheduling hearings, and explaining procedures to attorneys and litigants, removed some of the administrative burden that they previously would have managed. This allowed them to gather more information about the case, review case details before a hearing or deciding on a motion, and other case- or legal-focused tasks. It was noted that attorneys seemed to respond to the greater attention from CJIPP judges, moving their cases sooner than usual.

Part of this response to judicial attention was a greater number of hearings and motions. Judges described an influx in their motions calendars, even increasing the number of cases heard per docket. They attributed this

as a response to the case management plan and increased requirements for case progress. Although this created more work, changes were noticed: judges got to know the case better, and substantive issues would arise sooner and were therefore resolved sooner, aiding in case resolution. Case management conferences were implemented by CJIPP and used as status conferences to determine reasons behind case lagging, alter the case management plan if warranted, and aid in case progression. Litigants were often required to be present at case management conferences, which allowed the judges to speak with them directly and explain any decisions they made for the case timeline.

All CJIPP judges endorsed the project and said they would continue to use components of CJIPP even after the pilot ended, providing evidence in support of Hypothesis 5. Without a dedicated case manager, they indicated that current staff and technology could be more effectively used to continue monitoring cases and reduce administrative tasks. Ideas included expanding and continuing training for judicial assistants and bailiffs; creating and maintaining more automated forms, including auto-populated deadlines based on CJIPP schedules; and finding ways to monitor and track pending cases through technology systems.

RESEARCH QUESTIONS

Two research questions were posed to examine other changes to case processing that may be attributed to the implementation of CJIPP. The first considers motions for continuance and extension of time, and the second considers the number and ratio of motions and orders. Research questions differ from hypotheses by their exploratory nature, without any formal prediction of a relationship. Thus, the findings for research questions focus on exploring whether there is a detected relationship and unpacking what underlying mechanisms may have contributed to the direction of the relationship.

RESEARCH QUESTION 1: CONTINUANCES AND EXTENSIONS OF TIME

Research Question 1 examined how requests for continuance or extensions of time differed between groups. CJIPP implemented a firm continuance policy at the onset of the pilot project to encourage productive in-court events and enforce key milestones in the case management plan. This policy explicitly discouraged requests for continuance and reinforced adherence to case deadlines. However, with tighter time frames, requests for continuances or extensions of time may

have been more prevalent as attorneys and litigants navigated the new procedures and deadlines. Closed cases were examined for average number of motions for

continuance and motions for extension of time. Overall, CJIPP cases had significantly more motions for continuance and motions for extension of time (Table 8).

Table 8. Proportion of closed cases with motions for continuance and extension.

Group	Motion for Continuance	Motion for Extension
Baseline	26.8%	25.9%
CJIPP	30.3%*	28.3%*

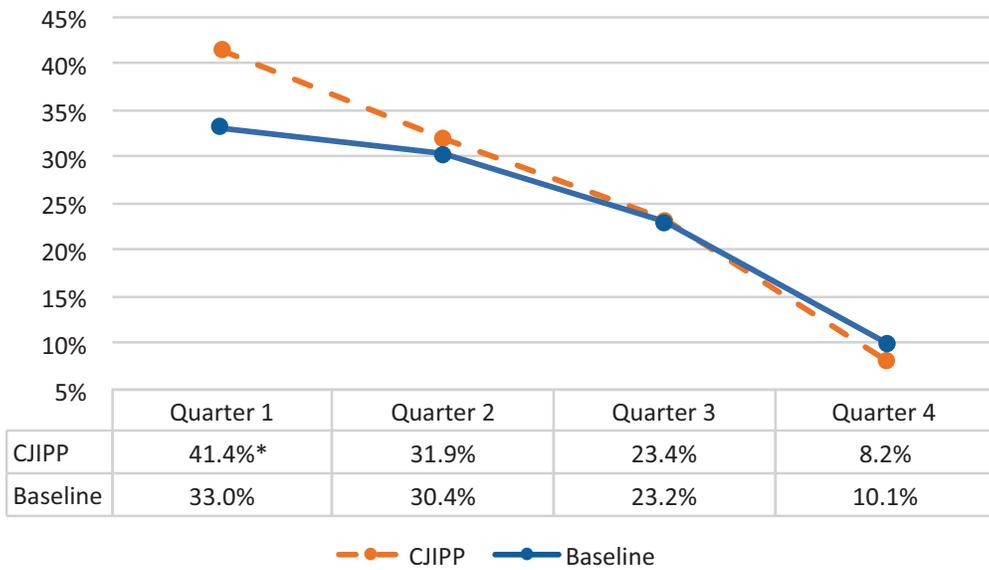
*Significant differences between groups.

This lends some evidence to the latter argument, that parties pushed back on the deadlines by requesting more time. In addition, CMOs in baseline cases may not have included explicit deadlines for the completion of key case events, resulting in less necessity to seek a continuance or extension, and a lower base rate in the baseline group. However, these overall proportions provide a limited perspective. It was expected that there would be a learning curve after the onset of the pilot project, as attorneys and parties became familiar with the new case management approach and adjusted to working around the timeline of the court, rather than a primarily attorney-driven time plan for case processing. This was considered, and requests for continuances and extensions of time were examined over the trajectory of the pilot as well.

Interestingly, the proportion of cases that included at least one motion for continuance or motion for extension of time changed over the life cycle of the pilot project. The CJIPP time frame was broken down into quarters, by case-filing date: November-January (Quarter 1), February-April (Quarter 2), May-July (Quarter 3), and August-October (Quarter 4). Rates of closed cases that requested a continuance or time extension were compared between groups, finding that CJIPP cases had higher proportions of cases with at least one motion for continuance (Figure 4) or extension of time (Figure 5), but only in the first quarter of the pilot. The final three quarters were not significantly different between groups on either type of motion.

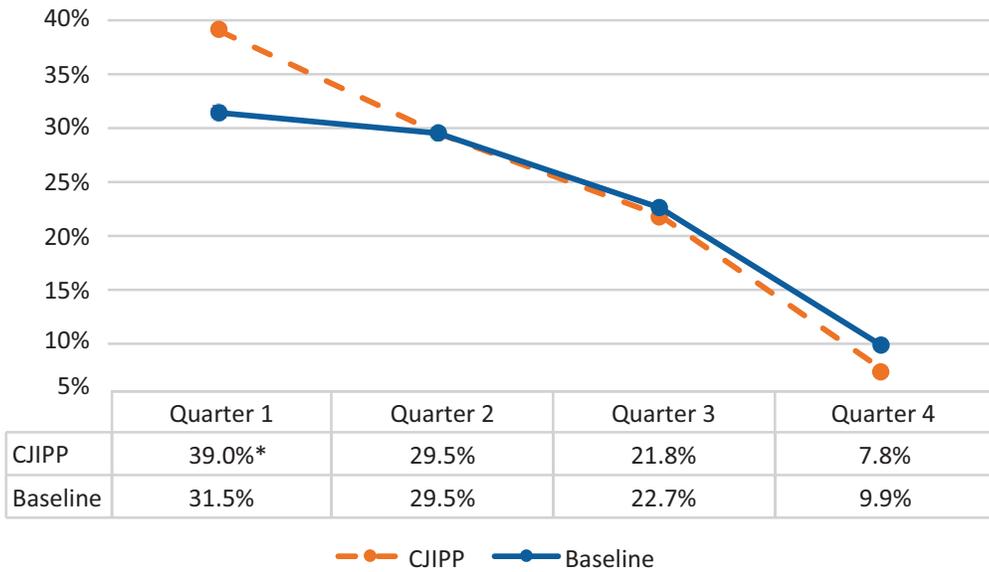
Closed cases were examined for average number of motions for continuance and motions for extension of time. Overall, CJIPP cases had significantly more motions for continuance and motions for extension of time (Table 8).

Figure 4. Proportion of closed cases with at least one motion for continuance.



*Significant differences between groups.

Figure 5. Proportion of closed cases with at least one motion for extension of time.



*Significant differences between groups.

This was of note, as the CJIPP pilot represented a new case management approach with deadlines enforced by the court, and pushback by parties through requests to move those deadlines was only front-loaded and temporary compared to baseline activity. This may indicate a normalization of the CJIPP procedures. Attorneys may have learned through experience or communication with other attorneys that the deadlines in CJIPP reflected firm expectations from the judge. Another interesting finding was the steady decline in rates of these motions over time for both groups, and CJIPP cases actually had marginally less requests than the baseline by the fourth quarter by a couple of percentage points. Since only closed cases were used in this analysis, cases filed in the last quarter that were closed may have overrepresented

less-complex matters that were closed rather quickly without need for continuance or extension of time.

Examining pathway assignments, the higher rate was seen in streamlined and standard pathways for CJIPP, but not in complex and varied pathways. About a quarter of cases had at least one motion for continuance or motion for extension of time, and CJIPP cases had significantly more of each (Table 9). Given that cases in the less-complex pathways (and, therefore, on shorter case deadlines) were the most apt to request continuances, this likely reflects a reaction to the new expectations of meeting court-set deadlines for cases, especially considering the previous finding that more such requests were made in the first quarter of the pilot project.

Table 9. Average number of motions for continuance and extension.

Group	Motion for Continuance	Motion for Extension
Baseline	0.41	0.39
CJIPP	0.50*	0.44*

*Significant differences between groups.

A relationship of interest was between motions for extension of time and scheduled conferences. CJIPP judges used case management conferences to discuss issues surrounding the case management plan and to hear arguments for why the deadlines should be extended given substantive needs of the case (e.g., volume/complexity of discovery). Across closed cases, there was a moderate, positive correlation between the two in CJIPP cases (0.26), significantly higher than the small, positive correlation found for baseline cases (0.02).²⁷

This finding can be interpreted two ways, both of which provide support that active case management

was engaged by both sides: the court and the parties. On one hand, parties may be filing requests for extension of time as a response to the CMO deadlines, and the court then responds by initiating a case management conference to resolve any issues and potentially grant the request. On the other hand, parties may have requested a case management conference to review the established time frame for their case and discuss the reasonability of resolving their case within those parameters. Either way, active case management is being used to establish and respond to expected case progress.

²⁷ Both Pearson correlations significant at $p < .001$. The Fisher's r to z transformation was used to detect a significant difference between the two correlations: $z = 12.067, p < .001$.

**RESEARCH QUESTION 2:
MOTIONS AND ORDERS**

A frequent complaint by attorneys about contributing causes of cost and delay in civil litigation are delays in the time from filing substantive motions and the court orders deciding those motions. While those decisions are pending, the lawyers often continue to work, incurring costs that may be mooted by the decision. In some instances, the case settles or otherwise resolves without a decision on the motion, wasting the investment in filing the motion.

Research Question 2 sought to examine any change in the number of motions and orders per case and the ratio between them. Due to limitations of the event history data, it was not possible to match motions to their respective orders. However, counts of motions and orders were collected and compared between study groups for closed cases, as indicators of case activity and judicial response.

The findings provided evidence that there was generally more activity by the parties and judges in CJIPP, with greater numbers of motions filed and orders entered for closed cases.²⁸ When examining activity by contested status, uncontested CJIPP cases had significantly more orders entered compared to the baseline group, and contested CJIPP cases had significantly more motions and orders.²⁹ Considering the previous findings that motions for continuance and extension of time were significantly more frequent in CJIPP cases, these types of motions

were then removed to examine frequencies of other types of motions between groups and to avoid inflation by requests for time. CJIPP cases still achieved higher rates of motions requested when these were excluded, overall and for contested cases.³⁰

Together, these findings reveal a greater amount of case activity on both sides. This makes intuitive sense in light of the more frequent hearings and conferences in CJIPP cases; case activity seems to be boosted under the CJIPP procedures. Unfortunately, due to the lack of linkage between motions and orders in the data set, timeliness of response from judges was not able to be calculated. However, based on the numbers of motions and orders, a ratio could be calculated to gauge judge responsiveness to motions between groups.

Ratios of motions to orders were calculated, where a lower ratio indicates a smaller gap in the number of motions filed to the number of orders entered per case. A smaller ratio would indicate that more motions were met with a responding order. Closed CJIPP cases had smaller motion-to-order ratios compared to the baseline group, overall and by contested status.³¹ This indicates a greater response by the CJIPP judges to pending motions. This is not surprising, as the CCMT was responsible for tracking pending motions, drafting orders for the judge, and generally removed some of the administrative burden for the CJIPP judge to focus on substantive case matters, such as deciding on motions and writing orders.

²⁸ Avg. motions CJIPP 1.95, baseline 1.54, $t = -9.377$, $p < .001$; Avg. orders CJIPP 2.04, baseline 1.00, $t = -29.204$, $p < .001$. The average number of motions was significantly higher in streamlined and standard pathways for CJIPP cases but were similar in complex and varied pathways between groups. Orders were significantly more frequent for CJIPP cases in streamlined, standard, and complex pathways.

²⁹ Avg. orders in uncontested cases CJIPP 0.71, baseline 0.35, $t = -14.786$, $p < .001$; avg. motions in contested cases CJIPP 2.71, baseline 2.18, $t = -8.712$, $p < .001$; avg. orders in contested cases CJIPP 2.80, baseline 1.42, $t = -27.093$, $p < .001$.

³⁰ Avg. motions (excluding continuance and extension of time) CJIPP 1.01, baseline 0.75, $t = -7.207$, $p < .001$; avg. motions (excluding continuance and extension of time) in contested cases CJIPP 1.23, baseline 0.87, $t = -6.786$, $p < .001$.

³¹ Ratio of motions to orders overall CJIPP 0.98, baseline 1.35, $t = 12.736$, $p < .001$; ratio in uncontested cases CJIPP 0.75, baseline 0.97, $t = 4.339$, $p < .001$; ratio in contested cases CJIPP 1.06, baseline 1.46, $t = 11.947$, $p < .001$.

Conclusions and Lessons Learned

The Eleventh Judicial Circuit Court of Florida (Miami-Dade) undertook CJIPP to test the impact of CCMTs to support more effective processing of civil cases.

The pilot project, which operated from November 21, 2016 through October 31, 2017, involved allocating additional staff resources (case managers) and providing specialized training to existing judicial staff (JAs and bailiffs) to empower court staff to assume greater responsibility for routine case management tasks, thus freeing judges to focus time and attention on tasks requiring unique judicial skills and expertise. An important component of CJIPP was implementation of case management pathways, which established explicit rules and well-defined business practices to guide the work of the CCMTs. Cases

assigned to CJIPP were expected to benefit from reduced time to disposition and improved quality of judicial involvement compared to cases assigned to other sections of the Civil Circuit Division, leading to improved satisfaction on the part of attorneys. In addition, CJIPP judges and CCMT court staff were expected to benefit professionally through specialized training, leading to improved job satisfaction. In its evaluation, the NCSC formulated several working hypotheses about the impact of CJIPP related to the anticipated benefits, which are summarized in the table below.

Hypotheses	Evaluation Result
1. Cases assigned to the CJIPP judges will resolve sooner on average than cases assigned to the baseline group.	Supported
2. Uncontested cases assigned to the CJIPP judges will resolve sooner on average compared to uncontested cases in the baseline group.	Supported
3. Cases assigned to the CJIPP judges will have fewer hearings scheduled on average than cases assigned to the baseline group.	Rejected
4. Attorneys will report higher satisfaction and procedural justice for their experiences with CJIPP compared with previous cases.	Evidence of support from surveys and focus groups
5. Judges will report higher satisfaction with their experience using CJIPP case management practices compared with baseline practices.	Evidence of support from interviews

Research Questions	Evaluation Result
1. How will requests for continuance or extension of time be affected by CJIPP case management?	More continuance and extension of time requests in CJIPP in first quarter
2. How will the number of motions and orders per case be affected by the CCMT model of case management?	More motions and orders, with smaller ratio between them in CJIPP

Findings derived from multiple research methods show that CJIPP realized most of the anticipated benefits. Analysis of case-level data shows that both contested and uncontested CJIPP cases took significantly less time to resolve than baseline cases, and attorney survey responses and focus group discussions indicate that attorneys are supportive of the new case management rules and practices. Attorney feedback during the focus groups also suggests that the court's determination to conduct effective oversight and enforcement of case management plans also rewards professionalism and discourages inappropriately aggressive or uncooperative litigation behavior on the part of lawyers. The CJIPP judges also expressed confidence in the ability of the CCMTs to undertake routine case management tasks appropriately, and genuine enthusiasm for having time to draft thorough and accurate written decisions and court orders and to prepare adequately for case management conferences and in-court hearings. In fact, CJIPP judges who were rotating out of the Circuit Civil Division explained that they intended to continue many of the case management practices they had developed during the pilot program, and that other judges were trying to adopt these practices based on the positive experience they heard about from the CJIPP judges.

Only one of the working hypotheses was not supported by case-level analyses. In-court hearings were more likely to be scheduled for CJIPP than for baseline cases, which is exactly opposite of what was predicted. This may have resulted because the CJIPP

case management plans provided more specific direction about deadlines for case events and restrictions on litigation practice than similar case management plans, where they existed, in the other sections of the Circuit Civil Division. Requests for extensions and continuances were significantly higher in CJIPP cases at the beginning of the pilot, and some attorneys may have scheduled hearings to modify other provisions of the case management plan. However, this difference in requests for time was a temporary effect observed only in the first quarter of the pilot, leveling off and even drifting lower in CJIPP cases toward the close of the pilot. In addition, the greater number of scheduled hearings may have also been a temporary effect as attorneys became accustomed to the CJIPP requirements and, especially, the determination of the CJIPP judges and court staff to enforce the case management plans.

The documented success of the pilot project in living up to expectations is especially notable given the many challenges that the Circuit Civil Division had to overcome over the yearlong project. The lack of functional case management tools within CMS, the lack of integration across the various technology platforms and the organizational structure of the Florida circuit courts, accommodating pre-CJIPP cases using preexisting case management processes, and filling staffing gaps among the four CJIPP case management teams were challenges that may have dampened the impact of the program, but the evaluation results were nonetheless extremely positive. Other than court closures due to hurricanes, most courts could expect

to encounter these challenges to some degree in implementing new case management processes. The fact that the CJIPP results were positive despite these challenges demonstrates the potential for real, transformative change in operational practice.

The Eleventh Judicial Circuit Court did learn some valuable lessons in terms of steps they took that greatly helped them overcome challenges, as well as things they wished they had done in 20/20 hindsight.

Advance planning was one factor universally cited by the CJIPP judges and CCMT staff that contributed to the success of the CJIPP program. Before implementing the program, court leadership collaborated with the CJIPP teams to discuss the respective roles of the CCMT, draft detailed business-process plans to correspond with those roles, develop model forms and templates for routine court orders, and train CCMT members on their responsibilities. The teams continued to meet periodically throughout the project to refine those plans and address challenges as they arose.

Court leadership anticipated that **outreach and education to local bar organizations** would be an important part of the planning process but were disappointed in the somewhat tepid response to invitations for public meetings. The limited scope of the CJIPP program (only four judges out of twenty-five assigned to the Circuit Civil Division) likely made it more difficult to attract the attention of the practicing bar. Consequently, many lawyers only became aware of the program after receiving the “welcome letter” informing them that their case had been assigned to the CJIPP program. Courts that implement the CCMT approach more broadly across the entire civil bench may have more success in advertising the change to the practicing bar but should nevertheless anticipate an initial period in which many lawyers contact

the court with questions and concerns about new procedures. It may also be advisable to consult with court public information officers and others who can develop a robust marketing plan.

Avoid dual case management processes. CJIPP was implemented on new cases assigned to the CJIPP judges, but they continued to manage the preexisting caseloads using traditional case management processes. This led to confusion on the part of lawyers and parties, especially those with multiple cases assigned to the same judge, and extra work for the CCMT staff. In hindsight, the CJIPP teams agreed that a better approach would be to plan the project, and then implement on a wholesale basis, including retroactively incorporating existing cases under the rules. To reduce some of the awkwardness of the transition, it may be useful to differentiate among preexisting cases based on each case’s status and stage of litigation. Uncontested cases and cases in which case activity has been suspended for long periods can be immediately placed on a streamlined pathway for disposition by default judgment or dismissal. Contested cases that do not already have a case scheduling order can be issued orders or set for a case management conference based on the appropriate case management pathway. Cases that do have preexisting case management orders should be monitored to ensure compliance until they have fully resolved. In most courts, the latter category of cases is likely to be a relatively small proportion of the overall caseload.

Finally, courts should **anticipate increased case activity** related to questions about or objections to the new procedures during the transition from the traditional process to the new CCMT model of civil case management. To prepare, courts should **invest in robust and fully-integrated technology solutions**. As the CJIPP teams discovered, the lack

of case management tools and an integrated technology platform across the entire Circuit Civil Division necessitated the development of workarounds that required duplicative documentation and extra investments of staff time just at the point in time that the

CCMT staff needed to respond to increased case activity. New technology solutions should be prioritized on the basis of their capability to free up staff to leverage their ability to focus on more complex case management tasks.

Appendix A: Requested Data Elements from Case Management System

Case-level data

Case number
Case name
Judge/Section
File date
Case type
CJIPP pathway
Representation status:
Plaintiff
Defendant
Date of service
Date of answer
Manner of disposition
Disposition date

Event-level data

Date motion filed
Type of motion
Date order entered
Type of order
Grant/deny

Pathway data

Case pathway assignment

Appendix B: Initial Pathway Assignments Based on Case Type

Case Type	Initial Pathway Assignment
ANTITRUST/TRADE REGULATION	Complex
AUTO NEGLIGENCE (GREATER THAN \$15,000)	Streamlined
BOND ESTREATURE	Streamlined
BUSINESS MALPRACTICE	Complex
BUSINESS TORT	Complex
BUSINESS TRANSACTIONS	Complex
CHALLENGE—STATUTE OR ORDINANCE	Complex
CIVIL FORFEITURE	Standard
COMM PREMISES LIABILITY	Standard
CONDOMINIUM (GREATER THAN \$15,000)	Streamlined
CONSTRUCTION DEFECT	Complex
CONSTRUCTION LIEN	Streamlined
CONTRACT & INDEBTEDNESS (GREATER THAN \$15,000)	Streamlined
DECLATORY JUDGMENT (GREATER THAN \$15,000)	Streamlined
DISCRIMINATION—EMPLOYMENT OR OTHER	Standard
EMINENT DOMAIN	Complex
EQUITABLE RELIEF (GREATER THAN \$15,000)	Streamlined
INJUNCTIVE RELIEF (GREATER THAN \$15,000)	Streamlined
INSURANCE CLAIM	Streamlined
INTELLECTUAL PROPERTY	Complex
LEGACY CIRCUIT MORTGAGE FORECLOSURE	Streamlined

Case Type	Initial Pathway Assignment
LIBEL/SLANDER	Standard
MEDICAL MALPRACTICE	Complex
NEGLIGENT SECURITY	Standard
NURSING HOME NEGLIGENCE	Complex
OTHER CIVIL COMPLAINT (NON-MONETARY)	Varied
OTHER NEGLIGENCE	Streamlined
OTHER PROFESSIONAL MALPRACTICE	Complex
PERSONAL INJURY PROTECTION	Streamlined
PRODUCT LIABILITY	Complex
REPLEVIN	Streamlined
RESID. PREM LIABILITY	Streamlined
RPMF—COM \$0-\$250,000 OR MORE	Streamlined
RPMF—HOMESTEAD \$0-\$250,000 OR MORE	Streamlined
RPMF—NON-HOMESTEAD \$0-\$250,000 OR MORE	Streamlined
RPMF—OTHER ACTION \$0-\$250,000 OR MORE	Streamlined
SHAREHOLDER DERIVATIVE	Complex
TRUST LITIGATION	Standard

Appendix C: Attorney Survey

11th Circuit Court of Florida Civil Justice Initiative Pilot Project (CJIPP) Attorney Survey

Greetings! The National Center for State Courts (NCSC) is conducting an evaluation of the Eleventh Circuit Court of Florida's Civil Justice Initiative Pilot Project (CJIPP). One component of CJIPP project was the communication and enforcement of key deadlines based on Florida time standards. Another component was the development and use of civil case management teams, composed of a case manager and a judge, to ensure consistent oversight and direction for case management. Court records indicate that you were the attorney of record for one or more cases assigned to CJIPP that disposed. The NCSC requests your participation in a survey about your experience in CJIPP. Your participation is purely voluntary, but will greatly assist the Eleventh Judicial Circuit and other courts across the country that are engaged in civil justice reforms.

We anticipate that the survey will take approximately 20 minutes to complete. Your responses will be kept strictly confidential and the evaluation findings will be presented only in aggregate form. If you have questions about the survey, please contact Paula Hannaford-Agor at phannaford@ncsc.org or Shannon Roth at sroth@ncsc.org.

CONFIRM CASE INFORMATION

According to the case management system for the Florida Courts, you are an attorney of record in the following case. Please verify that this information is correct, and if it is incorrect, please edit.

	Please edit if incorrect	Correct
Case Number:	_____	<input type="checkbox"/>
Case Name:	_____	<input type="checkbox"/>
Case Type:	<input type="radio"/> Antitrust / Trade Regulation <input type="radio"/> Auto Negligence (Greater than \$15,000) <input type="radio"/> Business Torts <input type="radio"/> Business Transactions <input type="radio"/> Civil Forfeiture <input type="radio"/> Comm Premises Liability <input type="radio"/> Condominium (Greater than \$15,000) <input type="radio"/> Construction Lien <input type="radio"/> Contract & Indebtedness <input type="radio"/> Contract and Indebtedness (\$5,001 - \$15,000) <input type="radio"/> Declaratory Judgment (Greater than \$15,000)	

	Please edit if incorrect	Correct
Case Type:	<ul style="list-style-type: none"> <input type="radio"/> Discrimination - Employment or Other <input type="radio"/> Eminent Domain <input type="radio"/> Equitable Relief (Greater than \$15,000) <input type="radio"/> Injunctive Relief (Greater than \$15,000) <input type="radio"/> Insurance Claim <input type="radio"/> Libel / Slander <input type="radio"/> Medical Malpractice <input type="radio"/> Negligent Security <input type="radio"/> Nursing Home Negligence <input type="radio"/> Other Civil Complaint <input type="radio"/> Other Negligence <input type="radio"/> Other Professional Malpractice <input type="radio"/> Product Liability <input type="radio"/> Replevin <input type="radio"/> Resid. Premises Liability <input type="radio"/> RPMF -Commercial (\$0 - \$50,000) <input type="radio"/> RPMF -Commercial (\$250,000 or more) <input type="radio"/> RPMF -Commercial (\$50,001 - \$249,999) <input type="radio"/> RPMF -Homestead (\$0 - \$50,000) <input type="radio"/> RPMF -Homestead (\$250,000 or more) <input type="radio"/> RPMF -Homestead (\$50,001 - \$249,999) <input type="radio"/> RPMF -Non-Homestead (\$250,000 or more) <input type="radio"/> RPMF -Non-Homestead (\$50,001 - \$249,999) <input type="radio"/> RPMF -Non-Homestead (\$0 - \$50,000) <input type="radio"/> RPMF -Other Action (\$0 - \$50,000) <input type="radio"/> RPMF -Other Action (\$250,000 or more) <input type="radio"/> RPMF -Other Action (\$50,001 - \$249,999) <input type="radio"/> Shareholder Derivative <input type="radio"/> Voluntary Binding Arbitration 	
Representing:	<ul style="list-style-type: none"> <input type="radio"/> Plaintiff/Petitioner <input type="radio"/> Defendant/Respondent <input type="radio"/> Other 	<input type="checkbox"/>

Please confirm that the case listed above has been fully resolved:

- Yes
- No

If no, then...

This survey is intended only for attorneys in cases that have been fully resolved.

Thank you for your time and assistance.

Survey ends...

If yes...

Background

Do you primarily practice on the side of the plaintiff or defense?

- Plaintiff
- Defense
- Mixed practice

What specialties (if any) do you practice?

- Commercial governance
- Commercial transactions
- Commercial/Breach of contract-insurance coverage
- Employment
- Personal injury/Property damage
- Medical malpractice
- Other malpractice
- Real property
- Mortgage foreclosure
- State/Local government regulation
- Trusts & estates
- Other (please specify): _____

How many years have you been in practice?

- 0 – 1 years
- 2 – 5 years
- 6 – 10 years
- Over 10 years

Procedural

Please indicate your level of agreement/disagreement with the following statements on a scale of 1 (strongly disagree) to 5 (strongly agree).

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
Clear expectations were provided for meeting key deadlines in the case.	<input type="checkbox"/>				
The deadlines for the case were enforced.	<input type="checkbox"/>				
The deadlines were reasonable based on the type of case.	<input type="checkbox"/>				
The trial date was set as a date certain.	<input type="checkbox"/>				
It was helpful to know the anticipated trial date from the beginning.	<input type="checkbox"/>				
Fewer continuances were granted for this case than comparable cases.	<input type="checkbox"/>				
Overall, the case progressed more quickly than comparable cases.	<input type="checkbox"/>				
This case resolved earlier as a result of the case management plan.	<input type="checkbox"/>				
This case required fewer hearings as a result of the case management plan.	<input type="checkbox"/>				

Specific Case Events

Please indicate your level of agreement/disagreement with the following statements on a scale of 1 (strongly disagree) to 5 (strongly agree).

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
Motions for extension of time were routinely granted.	<input type="checkbox"/>				
Hearings were promptly and reasonably set upon request to get motions resolved.	<input type="checkbox"/>				
The judge entered orders in a timely manner for discovery disputes.	<input type="checkbox"/>				
The judge was well-informed about relevant case issues for case management conferences.	<input type="checkbox"/>				

Change in Attorney Case Management

Please indicate your level of agreement/disagreement with the following statements on a scale of 1 (strongly disagree) to 5 (strongly agree).

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
I had more frequent interactions with clients for this case.	<input type="checkbox"/>				
I had more frequent interactions with opposing counsel for this case.	<input type="checkbox"/>				
Internal deadlines were scheduled earlier for this case than for comparable cases.	<input type="checkbox"/>				
Litigation costs in this case were lower than comparable cases.	<input type="checkbox"/>				
The scheduling orders resulted in more efficient case management.	<input type="checkbox"/>				

Perceptions of Case Management

Please indicate your level of agreement/disagreement with the following statements on a scale of 1 (strongly disagree) to 5 (strongly agree).

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
Courts should take responsibility for the pace of civil litigation.	<input type="checkbox"/>				
Improper monitoring of case progression leads to longer processing times.	<input type="checkbox"/>				
Setting a structure and plan at the beginning of the case is a better way to manage the case.	<input type="checkbox"/>				

What improvements did you see using the CJIPP model of case management?

What are the drawbacks to the CJIPP model?

What are the drawbacks to the CJIPP model?

Do you have any suggestions for improving the CJIPP model?

How did Hurricane Irma affect the management of this case?

Appendix D: Focus Group Question Guide

1. Discuss attorney survey results and their reactions, whether they agree.
2. Discuss the changes to court procedures and how they affect the case.
3. Discuss the changes to administrative procedures and how they affect the case.
4. Discuss how each of these may be associated with the outcomes seen in the pilot data.
5. How does having a trial date certain affect how attorneys approach their case management?
6. Did you request any continuances from the judge? How did the expectation that you would not receive continuances affect how you managed the case?
7. Did you object to the Case Management Plan (scheduling order)? Why?
8. How did this model of case management affect your case management and staff/resource management? (e.g., reallocation of staff, division of resources, etc.)
9. Was there any confusion with the two case tracks (CJIPP and baseline), in terms of case management and orders, or challenges managing between the two tracks?

Acknowledgements

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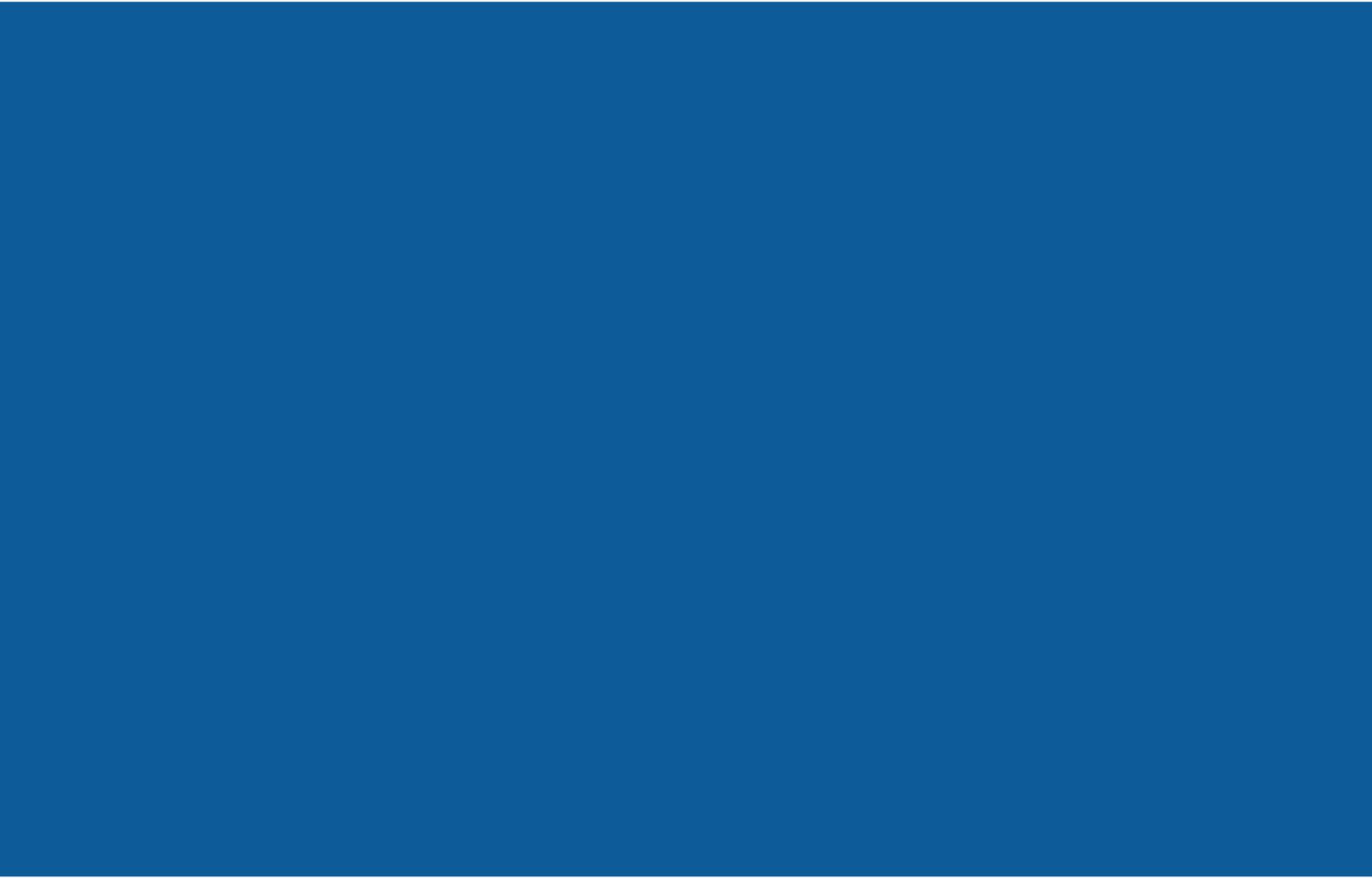
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